

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

Civil Citation No. 72687

Joan M. Butcher
Edward J. Staab, Jr.

430 Scarsdale Road

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on March 24, 2010, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 13-4-201, failure to store waste in a rodent resistant watertight container on residential property zoned DR 10.5 known as 430 Scarsdale Road, 21224.

On January 12, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Robert Moorefield issued a Code Enforcement citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$400.00 (four hundred dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. This Citation was issued without prior Correction Notice pursuant to the Department's adopted criteria, for activity that contributes to the propagation of rodents including the improper storage, placement and removal of garbage and rubbish. BCC Section 3-6-205. This Hearing was rescheduled due to inclement weather, with written notice to Respondents.

B. Photographs in the file show garbage cans overflowing with bagged garbage, without lids. Photographs also show piles of animal feces in the yard. This violates prohibitions against the accumulation of junk, trash and debris on residential property, and prohibitions against creation of possible harborage for rats. BCC Section 13-4-201, Section 13-7-309, Section 13-7-310. Failure to clean up dog feces violates prohibitions against accumulation of garbage on residential property, and creates food for rats. Respondents must clean up the dog feces on a daily basis. BCC Section 13-7-309, Section 13-7-310. Collected feces must be properly stored in the same manner as garbage, in waterproof cans with tight-fitting lids. BCC Section 13-4-201. Review of the file shows a long history of code enforcement and assessment of civil penalties for similar violations. This portion of the Citation will be enforced.

C. Photograph in the file shows a dark colored Jeep vehicle without current license tags. County zoning regulations prohibit the outside storage of inoperative motor vehicles on a residential lot. BCZR Section 428.1(A). The outside storage of unlicensed motor vehicles is also prohibited, except for one vehicle per dwelling unit for a period not exceeding 15 days in any calendar year. Section 428.1(B). Respondent has exceeded this limitation. Respondent must put valid tags on the vehicle and make it operable, or remove it from the property. However, this portion of the Citation will not be enforced because a Correction Notice was not issued for this violation prior to the Citation, and review of the file does not show previous similar violations. Respondents are advised that they have now received formal notice of this violation and that they are now subject to Citation for this violation if it is not corrected.

D. Because compliance is the goal of code enforcement, the civil penalty will be reduced if the violations are corrected, with all garbage properly stored in cans with tight lids and all animal feces picked up on a daily basis, within the time provided below.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$400.00 (four hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to 100.00 (one hundred dollars) if the violations are corrected by April 14, 2010, with all garbage properly stored in cans with tight lids.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 31st day of March 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer